

Amendment No. \_\_\_\_\_

5 to SB0131

Signature of Sponsor

**AMEND Senate Bill No. 131**

**House Bill No. 193\***

by deleting subdivision (9) in § 7-90-103 in Section 1 of the bill as amended and substituting instead the following:

(9) "Municipality" means any county, metropolitan government or incorporated city or town in this state located in a county having a population of not less than one-hundred fifty thousand (150,000) according to the 2000 federal census or any subsequent federal census and which, at time of the receipt of an application, does not have a medical school with a degree granting program similar to the medical or allied medical education program or programs described in such application within the county; AND FURTHER AMEND by adding the following appropriately designated subdivision to § 7-90-103 in Section 1 of the bill as amended:

( ) "Medical or allied medical education program" means a nursing degree program or allied health profession degree program; AND FURTHER AMEND by adding the following language at the end of the amendatory language of Section 1 of the bill as amended:

§ 7-90-123

(a) Notwithstanding any language in this part to the contrary, subsequent to receipt by an authority formed pursuant to the provisions of this part of a request for issuance of debt by the authority, but prior to acting upon any inducement or commitment to issue debt, the authority shall, with respect to each request, make an application to the THEC for a feasibility study relative to the need for the proposed medical or allied medical education program described in the application and the ability of the borrower to pay the principal, interest and costs of issuance of the debt to be incurred. The commission shall develop a policy specifying any information, documents

or data that will be required in making an application required by this section, which shall include, but not be limited to:

(1) The type of medical or allied medical education program that will be offered, to include the specific degree or degrees to be awarded;

(2) The anticipated number of students to be served by the proposed project for each degree being offered;

(3) Documents and blueprints related to the facility to house the proposed medical or allied medical education program;

(4) A copy of any known feasibility study or studies related to the proposed project;

(5) Information to ensure that the program will not negatively impact an existing institution in the state or region of the same or similar type or with the same or similar mission;

(6) A copy of the business plan for operation of the medical or allied medical education program to include assurances that it will be self-sustaining and an understanding that it will not seek nor obtain state appropriations;

(7) Assurances that such institution will seek and attain appropriate programmatic and institutional accreditations;

(8) A detailed description of how the proposed medical education institution fits into the state's higher education master plan along with any relevant supporting information and documentation pertaining to the project; and

(9) Such other information pertaining to the proposed fiscal operations of the proposed program, and the proposed terms of the financing.

(b) The commission shall have the authority to contract with another entity to perform the feasibility study required by this part, the cost of which shall be the sole responsibility of the authority or the municipality or municipalities creating the authority.

(c) A copy of the feasibility study shall be furnished to the comptroller of the treasury which shall furnish to the authority written comments on the structure of the

proposed debt financing and, if the comptroller of the treasury desires to do so, comments on the borrower's ability to repay the debt.

(d) The authority may not approve the project, or the issuance of debt in connection therewith, unless and until the authority receives from the commission a written feasibility study performed pursuant to this section which finds that the borrower has the ability to pay the principal, interest and costs of issuance of the debt to be incurred.

§ 7-90-124.

Notwithstanding any other language in this part to the contrary, if the proposed project is for use by a public institution of higher learning, then such project shall be subject to the capital outlay priority policies of the respective higher education governing board with respect to such public institution and also such policies of the THEC.

AND FURTHER AMEND by deleting the following language from subsection (a) in § 7-90-122 in Section 1 of the bill as amended:

In making its decision, THEC may also consider other circumstances that are unique to the proposed educational program it is evaluating.

any by substituting instead the following language:

In making its decision, THEC may also consider other criteria found in § 7-90-123(a).

AND FURTHER AMEND by adding the following new subdivision (a)(3) to § 7-90-122 in Section 1 of the bill as amended:

(a)

(3) THEC shall have the authority to contract with another entity to perform the evaluation required by this part, the cost of which shall be the sole responsibility of the authority or the municipality or municipalities creating the authority.